

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>CARL MOSS, Inmate #B18364,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>CIVIL NO. 04-570-MJR</b>
<b>DARRELL M. WESTERMAN,</b>	)	
<b>ANDREW N. WILSON, MICHAEL R.</b>	)	
<b>LOCKE, and EUGENE McADORY,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

Now pending before the Court is Plaintiff's motion for injunctive relief (Doc. 17). In this motion, Plaintiff states that Defendant Westerman has retaliated against him for filing this lawsuit by not allowing him to depose other prisoners. When Plaintiff has attempted to do so, he has been threatened with disciplinary action pursuant to a recently-promulgated Illinois rule that prohibits prisoners from possessing the name and number of another prisoner. Plaintiff states that he is being unconstitutionally prohibited from preparing and gathering affidavits and taking depositions in the instant action.

Plaintiff seeks injunctive relief so that he might continue his preparation of the case. However, this request for injunctive relief is premature. The Court has completed its threshold review of the case, found the claims to be frivolous, and dismissed the action. As such, there will be no need for further discovery, including depositions and affidavits. Accordingly, the request for injunctive relief (Doc. 17) is **DENIED** as moot. *Plaintiff is advised that if he wishes the Court to*

*hear his claim of retaliation by Defendant Westerman or a claim regarding the constitutionality of the Illinois rule, he must file another action pursuant to 42 U.S.C. § 1983, which will be subject to the provisions of 28 U.S.C. §1915.*

**IT IS SO ORDERED.**

**DATED this 20<sup>th</sup> day of June, 2006.**

**s/ Michael J. Reagan**  
**MICHAEL J. REAGAN**  
**United States District Judge**